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Attorneys for Defendants

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

BRANCH BANKING AND TRUST
COMPANY, a North Carolina banking
corporation,

Plaintiff,

vs.

SMOKE RANCH DEVELOPMENT, LLC, a
Nevada limited liability company, YOEL INY,
an individual; NOAM SCHWARTZ, an
individual; YOEL INY, Trustee of the Y&T
INY FAMILY TRUST dated June 8, 1994, as
amended; NOAM SCHWARTZ, Trustee of the
NOAM SCHWARTZ TRUST dated August 19,
1999; D.M.S.I., L.L.C., a Nevada limited
liability company; and DOES 1 through 10,
inclusive,

Defendants.

CASE NO. 2:12-cv-00453-APG-NJK

ORDER

**STIPULATED ORDER TO VACATE JUDGMENTS
AND TO DISMISS ACTION WITH PREJUDICE**

Plaintiff BRANCH BANKING AND TRUST COMPANY ("BB&T" or "Plaintiff"), by
and through its undersigned counsel of record, and Defendants SMOKE RANCH
DEVELOPMENT, LLC, YOEL INY, NOAM SCHWARTZ, YOEL INY as Trustee of the Y&T
INY FAMILY TRUST dated June 8, 1994, NOAM SCHWARTZ as Trustee of the NOAM
SCHWARTZ TRUST dated August 19, 1999, and D.M.S.I., L.L.C. (collectively "Defendants"),
by and through their undersigned counsel of record, hereby stipulate and agree to the entry of
this Stipulated Order by this Court providing as follows:

1. The Judgment entered in this action in favor of BB&T and against Defendants on August 27, 2015 [ECF No. 182] in the amount of \$630,401.15 is hereby vacated;

2. The Clerk's Judgment entered in this action in favor of BB&T and against Defendants on September 6, 2016 [ECF No. 200] awarding BB&T attorney fees in the amount of \$231,016.66 is hereby vacated;

3. The Amended Judgment entered in this action in favor of BB&T and against Defendants on May 1, 2017 [ECF No. 215] awarding BB&T attorney fees in the amount of \$231,016.66 and non-taxable costs in the amount of \$9,496.98 is hereby vacated;

4. All claims and counterclaims asserted in this action are hereby dismissed with prejudice; and

5. The parties shall each bear their own attorney fees and costs incurred in connection with this action.

IT IS SO STIPULATED.

DATED this 19 day of Dec., 2017.

DATED this 6th day of Nov., 2017.

HOLLAND & HART LLP

KOLESAR & LEATHAM

By 

By 

JEREMY J. NORK, ESQ.
FRANK Z. LAFORGE, ESQ.
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Attorneys for Plaintiff

Attorneys for Defendants

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE

Dated: December 21, 2017.